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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8717 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

LAHERCHAND CHIMANLAL VORA

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner

GOVERNMENT PLEADER for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 06/09/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner who was granted fair price shop authorisation has challenged the orders dated

11.8.1999 passed by the District Supply Officer, Palanpur cancelling the fair price shop authorisation and ordering for recovery of amount of Rs.2,47,648/- as conveyed by order dated 7.12.1999 passed by the Collector, Banaskantha at Palanpur in appeal and further order dated 28.6.2000 passed by the State Government in revision.

2. In view of the course that this Court proposes to adopt, it is not necessary to set out the facts in detail.

3. Suffice it to state that the main grievance made in this petition is that while deciding the revision the State Government has taken into account certain statements of certain cardholders which were not at all supplied to the petitioner or called the petitioner for inspection and that therefore there was violation of principles of natural justice.

4. In response to notice issued by this Court, Mr.K.T.Dave, Ld.AGP appeared for respondents and submitted that the statements which are referred to on internal page 10 of the State Government's order dated 28.6.2000 were relied on by the State Government in revision but they were not relied on by the District Supply Officer while passing order dated 11.8.99 or by the Collector while passing the order in appeal on 7.12.1999 and hence there was no question of setting aside the order of the District Supply Officer or the Collector and that at the most the matter may be required to be heard by the State Government in revision.

5. In view of the above statement made by the Learned AGP, the impugned order dated 28.6.2000 of the State Government (at annexure "H" to the petition) is set aside and the matter is remanded to the State Government for hearing the revision afresh after supplying the petitioner the copies of statement of the 13 persons whose names are mentioned on page Nos 10 and 11 of the order and on whose statements the State Government proposes to rely.

6. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

7. It is clarified that this Court has not set aside the orders passed by the District Supply Officer and the Collector and that the State Government shall decide the matter in accordance with law.

6.9.2000 (M.S.SHAH,J)